

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:

Case No. 21-00598

Roselyn Y George
Debtor.

Chapter 13

_____/

NOTICE OF MOTION

TO: See attached list

PLEASE TAKE NOTICE that on July 9, 2021, at 10:15 a.m. I will appear before the Honorable Judge LaShonda A. Hunt, or any judge sitting in his place, and present the MOTION FOR RELIEF FROM THE AUTOMATIC STAY AS TO DEBTOR AND CO-BORROWER, a copy of which is attached.

This motion will be presented and heard electronically using Zoom for Government. No personal appearance at the courthouse is necessary or permitted. To appear and be heard on the motion, you must do the following:

To appear by video, use this link: <https://www.zoomgov.com/join>. Then enter the meeting ID and passcode.

To appear by telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828- 7666. Then enter the meeting ID and passcode.

Meeting ID and passcode. The meeting ID for this hearing is 161 165 5696 and the passcode is 7490911. The meeting ID and passcode can also be found on Judge Hunt's webpage on the court's website, <https://www.ilnb.uscourts.gov/content/judge-lashonda-hunt>.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

By: /s/ Megan K. Gajewski

Megan K. Gajewski
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Attorneys for DEUTSCHE BANK NATIONAL
TRUST COMPANY, AS INDENTURE TRUSTEE
FOR, NEW CENTURY HOME EQUITY LOAN
TRUST, 2005-2

CERTIFICATE OF SERVICE

I heard certify that on June 18, 2021, I filed the foregoing Motion for Relief from Automatic Stay As To Debtor and Co-Debtor using the CM/ECF System, which will send electronic notifications of such filing to all counsel of record who are ECF participants, including:

David M Siegel

David M. Siegel & Associates

790 Chaddick Drive

Wheeling, IL 60090

Email: davidsiegelbk@gmail.com

I further certify that email copies were sent to the Trustee and U.S. Trustee to the following addresses:

Trustee

Glenn B Stearns

801 Warrenville Road Suite 650

Lisle, IL 60532

U.S. Trustee

Patrick S Layng

Office of the U.S. Trustee, Region 11

219 S Dearborn St

Room 873

Chicago, IL 60604

I further certify that paper copies were sent to the Debtors via first class, United States mail to the following addresses:

Debtor

Roselyn Y. George

640 Sullivan Lane

University Park, IL 60484

Co-Debtor

Roy A. George

640 Sullivan Lane

University Park, IL 60484

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS (EASTERN DIVISION)**

In re:

Case No. 21-00598

Roselyn Y George
Debtor

Chapter 13

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY AS TO DEBTOR
AND CO-BORROWER**

DEUTSCHE BANK NATIONAL TRUST COMPANY, AS INDENTURE TRUSTEE FOR, NEW CENTURY HOME EQUITY LOAN TRUST, 2005-2 (“Secured Creditor”), by and through its undersigned counsel, hereby moves this Honorable Court pursuant to 11 U.S.C. §362(d) for an order modifying the automatic stays as to the Debtor and co-borrower Roy A George, and in support thereof states as follows:

1. Debtor, Roselyn Y George, filed a voluntary petition pursuant to Chapter 13 of the United States Bankruptcy Code on January 17, 2021.

2. This Court has jurisdiction pursuant to 28 U.S.C. §1334; 11 U.S.C. §362(d); and Fed. R. Bankr. P. 4001(a).

3. Secured Creditor claims a valid security interest in the property commonly known as: 640 Sullivan Lane, University Park, IL 60466 (the “Property”) by virtue of a mortgage, note, loan modification agreement and assignment of mortgage (“Mortgage Loan”). These documents were attached to Secured Creditor’s Proof of Claim and are incorporated herein by reference. Creditor is seeking relief from the stay as to the Debtor Roselyn Y George and borrower Roy A George.

4. Enforcement of this security interest has been stayed automatically by operation of 11 U.S.C. §362 of the Bankruptcy Code upon Debtor filing the petition.

5. Creditor is entitled to relief from the automatic stay under 11 U.S.C. §362(d) for the following reasons:

- a. The Mortgage Loan is past due for the March 1, 2021 contractual payment and all amounts coming due since that date. Documentation supporting the amounts due is attached hereto as Exhibit A.
- b. The Mortgage Loan is past due for the March 1, 2021 post-petition payment and fees. The post-petition payment default amount due is \$6,776.67. This amount does not

include post-petition fees. Secured Creditor is incurring additional fees in the amount of \$1050.00 for this motion plus the court filing cost of \$188.00.

- c. The unpaid principal balance is \$236,270.36 and the total delinquency is \$240,442.78. The estimated market value of the Property is \$184,000.00. The basis for such valuation is Debtor's Schedule A/B.
- d. Creditor's interest in the Property is not adequately protected. Secured Creditor's interest in the secured collateral is not protected by any equity cushion and no other form of adequate protection is provided. Secured Creditor's security interest in the Property is being jeopardized by the failure to comply with the terms of the subject loan documents while Secured Creditor is prohibited from pursuing lawful remedies to protect its interest.
- e. The Debtor does not have equity in the Property and the Property is not necessary to an effective reorganization.

6. Creditor continues to be injured each day it remains bound by the automatic stay.

7. This Court has the authority to order that Rule 4001(a)(3) is not applicable to the order entered in granting this motion, and Creditor request this Court to do so.

8. Carrington Mortgage Services, LLC services the loan on the Property referenced in this motion. In the event the automatic stay in this case is modified, this case dismisses, and/or the Debtor obtains a discharge and a foreclosure action is commenced on the mortgaged property, the foreclosure will be conducted in the name of the Creditor. Creditor, directly or through an agent, has possession of the promissory note. Movant will enforce the promissory note as transferee in possession. Creditor is the original mortgagee or beneficiary or the assignee of the Mortgage.

9. All communications sent by Secured Creditor in connection with proceeding against the property including, but not limited to, notices required by state law and communications to offer and provide information with regard to a potential Forbearance Agreement, Loan Modification, Refinance Agreement, Loss Mitigation Agreement, or other Loan Workout, may be sent directly to Debtors.

WHEREFORE, DEUTSCHE BANK NATIONAL TRUST COMPANY, AS INDENTURE TRUSTEE FOR, NEW CENTURY HOME EQUITY LOAN TRUST, 2005-2 prays this Court enter an order pursuant to 11 U.S.C. §362(d) terminating or modifying the automatic stay as to Debtor and Co-Borrower and providing:

- (a) That the automatic stay of 11 U.S.C. §362(a) is terminated as to Debtor and Co-Debtor to allow Creditor, and its successors and assigns, to proceed under applicable non-bankruptcy law to enforce its remedies to foreclose upon the Property;
- (b) That the 14-day stay pursuant to Bankruptcy Rule 4001(a)(3) be waived;

(c) That the Order be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code; and

(d) For such further relief as this Court may deem just and proper.

Respectfully submitted,

/s/ Megan K. Gajewski, Esq.

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Attorneys for DEUTSCHE BANK NATIONAL
TRUST COMPANY, AS INDENTURE TRUSTEE
FOR, NEW CENTURY HOME EQUITY LOAN
TRUST, 2005-2

CARRINGTON MORTGAGE SERVICES MFR/NOD REFERRAL SHEET

Property Address	040 SULLIVAN LN UNIVERSITY PARK IL 60466-0000
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Vesting	DEUTSCHE BANK NATIONAL TRUST COMPANY,, AS INDENTURE TRUSTEE FOR, NEW CENTURY EQUITY LOAN TRUST, 2005-2
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Mortgager Information	
Account #	[REDACTED]
FHA Case #	
Mortgager	ROY A GEORGE
Co-Mortgager	
Date Last Payment Received	4/12/2021
Last Payment Amount	Enter Amount
Current UPB	\$236,270.36
Motion Type	

BK Information	
<i>BK Case #</i>	21-00598
<i>BK Chapter</i>	13
<i>BK Filing State</i>	IL
<i>Debtor</i>	ROSELYN Y. GEORGE
<i>Co-Debtor</i>	

Loan Type	Non-DSI
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MFR Totals		
Total Payments Due	\$	6,813.40
Uncollected Interest Due	\$	-
Total Fees Due	\$	-
Total Cost Due	\$	-
Total Late Charges Due	\$	-
Post Suspense Balance		(\$36.73)
Total Due for MFR	\$	6,776.67

<i>Contractual Due Date</i>	3/1/2021
<i>Post-Petition Due Date</i>	3/1/2021

Payment Due Detail						
From	To	P&I	Escrow	Total Payment Amount	# of Missed Payments	Total
3/1/2021	6/1/2021	\$918.30	\$785.05	\$1,703.35	4	\$6,813.40
					Total	\$6,813.40

Delinquent Taxes		Corporate Advance Detail		
Year	Amount	Expense Description	Fee Amount	Cost Amount
		BPO		
		BK Fees & Costs		
		Property Inspections		
		NSF Fees		
		Corporate Advance		
		Expense Advance		
		Escrow Shortage		
Total	\$ -	Total	\$ -	\$ -

EXHIBIT A

Post Suspense Balance	-\$6,776.67
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Transaction Type	Transaction Date	Amount Received	Post-petition Due Date	Post Amt Due Per PCN	Contractual Amt Applied	Principal	Escrow	Posting Over/Short	Credit to Post Suspense	Debit from Post Suspense	Post Suspense Balance
Beginning Balance	1/17/2021										
Post-Petition	01/20/21	\$30.08	2/1/2021	\$1,703.35	\$1,703.35	\$918.30	\$785.05	-\$1,673.27	\$0.00	\$1,673.27	-\$1,673.27
Post-Petition	04/12/21	\$1,710.00							\$1,710.00	\$0.00	\$36.73
Post-Petition Payment Due	06/08/21		3/1/2021	\$1,703.35	\$1,703.35	\$918.30	\$785.05	-\$1,703.35	\$0.00	\$1,703.35	-\$1,666.62
Post-Petition Payment Due	06/08/21		4/1/2021	\$1,703.35	\$1,703.35	\$918.30	\$785.05	-\$1,703.35	\$0.00	\$1,703.35	-\$3,369.97
Post-Petition Payment Due	06/08/21		5/1/2021	\$1,703.35	\$1,703.35	\$918.30	\$785.05	-\$1,703.35	\$0.00	\$1,703.35	-\$5,073.32
Post-Petition Payment Due	06/08/21		6/1/2021	\$1,703.35	\$1,703.35	\$918.30	\$785.05	-\$1,703.35	\$0.00	\$1,703.35	-\$6,776.67

PAYOFF FUNDS PANEL

680 6/08/2021 12:49:54 PM ET PFSP576

Account Number [REDACTED]

Name ROY A GEORGE

Funds Detail Information**Escrow/Impound Required**

Principal 236270.36

Interest From 02/01/21

To 07/08/21 3089.34

Prepayment Penalty Interest 0.00

Escrow/Impound Required 0.00

FHA Premium Due HUD 0.00

Optional Insurance 0.00

Late Charges Due 0.00

P&I Advance 0.00

Deferred Amounts 0.00

Fees Assessed with Payoff Quote 0.00

Interest Calculations**Interest Calculations**

Rate	From	To/Thru	Int Due
3.000	02/01/21	06/01/21	2362.72
3.000	06/01/21	07/01/21	590.68
3.000	07/01/21	07/08/21	135.94

Fees Required with Payoff Funds 103.00

Fees Currently Assessed 980.08

Buyer Assistance 0.00

Funds to be Credited**Per Diem/Expiration Information**

After 07/07/21 Add 19.4195

FOR INTEREST PER DAY

Less Escrow/Impound Funds 0.00

Quote Expires 07/08/21

Less Unapplied Funds 0.00

Financed Cov Rebate Good Until 00/00/00

Less Buydown Funds 0.00

After 07/07/21 Add 0.0000

Less Financed Cov Rebate Funds 0.00

FOR SIMPLE INSURANCE PER DAY

Less SAC Amounts Paid 0.00

Less Remaining PRA 0.00

Less Early Refunds 0.00

Payoff Funds Required 240442.78

Funds Retained

Escrow/Impound Funds 80.02

Unapplied Funds 0.00

Buydown Funds 0.00

Message: CLICK RETURN TO EXIT

OK